

UNITED STATES DISTRICT COURT

for the

District of Nebraska

United States of America

v.

Archie Andrew Backward, Jr.

SEALED

Case No. 4:21MJ3035

*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 12/29/2020 and 03/10/2021 in the county of Dawes in the
District of Nebraska, the defendant(s) violated:

Code Section

18 U.S.C. § 1073

Offense Description

did move and travel in interstate and foreign commerce with intent to avoid prosecution under the laws of the State of Nebraska for a crime (or an attempt to commit a crime) which is a felony under the laws of the State of Nebraska, in violation of Title 18, United States Code, Section 1073.

This criminal complaint is based on these facts:

See the attached affidavit.

☒ Continued on the attached sheet.*Complainant's signature*

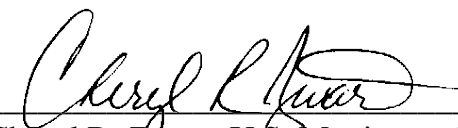
SA Brian Bartek, FBI

Printed name and title☐ Sworn to before me and signed in my presence.☒ Sworn to before me by telephone or other reliable electronic means.

Sworn to before me by reliable electronic means:

Date: March 10, 2021.

District of Nebraska


Cheryl R. Zwart, U.S. Magistrate Judge

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,
Plaintiff

Vs.

ARCHIE ANDREW BACKWARD, JR.

Defendant.

Magistrate No. 4:21MJ3035

AFFIDAVIT IN SUPPORT OF A
COMPLAINT FOR VIOLATION OF
18 U.S.C. § 1073

The undersigned complainant being duly sworn states:

That ARCHIE ANDREW BACKWARD JR., did move and travel in interstate commerce from Chadron, Dawes County, Nebraska, in the District of Nebraska, to the state of South Dakota with the intent to avoid prosecution under the laws of the State of Nebraska for one count of ROBBERY (in violation of NRS §28-304), said crime being a Class II felony under the laws of the State of Nebraska, one count USE OF A DEADLY WEAPON TO COMMIT A FELONY (in violation of NRS §28-1205), said crime being a Class IC felony under the laws of the State of Nebraska, and one count of POSSESSION OF A DEADLY WEAPON BY A PROHIBITED PERSON (in violation of NRS §28-1206) said crime being a Class 1D felony under the laws of the State of Nebraska.

This Complaint is based on a Complaint filed on December 29, 2020, in the County Court of Dawes County, Nebraska, case number CR 20-571, charging ARCHIE ANDREW BACKWARD JR. with the crimes of one count of ROBBERY (in violation of NRS §28-304), said crime being a Class II felony under the laws of the State of Nebraska, one count USE OF A DEADLY WEAPON TO COMMIT A FELONY (in violation of NRS §28-1205), said crime being a Class IC felony under the laws of the State of Nebraska, and one count of POSSESSION OF A DEADLY WEAPON BY A PROHIBITED PERSON (in violation of NRS §28-1206) said crime being a Class 1D felony under the laws of the State of Nebraska, perpetrated in Dawes County,

Nebraska, on or about December 5, 2020. A copy of the state Complaint and arrest warrant are attached hereto and incorporated herein by this reference. Affiant, Brian Bartek, Special Agent with the FBI is an investigative or law enforcement officer of the United States within the meaning of Section 2510 (7) of Title 18, that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Title 18, United States Code, Section 1073.

Affiant reviewed reports prepared by Sergeant Jarvis Wallage, a police Sergeant with the Chadron, Nebraska, Police Department and Lieutenant Richard Hickstein, a police Lieutenant with the Chadron, Nebraska, Police Department with the information set forth below:

On Saturday, December 5, 2020 Wallage was on duty in Chadron, Dawes County, Nebraska. At approximately 1608 hours Wallage was dispatched to Cheema's Gas and Liquor, located at 855 West Highway 20, Dawes County, Chadron Nebraska, for an armed robbery. Wallage learned the suspects were a Native American male wearing a blue bandana across his face and a female who was wearing a cloth mask across her face. Wallage was advised that the property taken during the robbery was cash and checks and that the force utilized in the robbery was a handgun. As Wallage was responding he observed a tan Ford F-150 bearing license plate WBD13. Another Chadron Police Department officer broadcasted that the suspect vehicle involved in the armed robbery was a tan Ford F-150. Wallage activated his emergency lights and attempted to conduct a stop of the tan Ford F-150 to further identify the occupants and their possible involvement in the armed robbery. The Ford F-150 immediately sped up and would not stop. Wallage, initiated pursuit of the vehicle

which led up Slim Buttes Road to the South Dakota State Line which borders the Pine Ridge Indian Reservation in the State of South Dakota. Wallage ceased pursuit of the vehicle at the South Dakota state line, until Oglala Sioux Tribal Police granted permission for him to enter onto the Pine Ridge Reservation.

Wallage met with Oglala Sioux Tribal Police and located the suspect vehicle abandoned on a property near the White River. Two cellular phones and a blue bandana were located inside the vehicle's glove compartment.

Wallage returned to the police department and viewed camera video footage of the suspects during the robbery of Cheema's. Wallage recognized the female involved in the robbery to be Ashley Two Two (DOB 07/30/1987) who he knew from prior law enforcement contacts. Wallage observed Two Two from the surveillance video at Cheema's to appear to actively participate in the robbery as the male, concealed from his pocket, brandished what appeared to be a black handgun towards the clerk. Wallage observed the male receive cash from the clerk. Wallage observed the male brandish a concealed black handgun, before he points it directly at an employee.

On Tuesday December 8, 2020 Wallage, while present with Chadron Police Chief Tim Lordino, ascertained that Sheridan County Sheriff Jeff Brewer called Chief Lordino and advised that Two Two wished to turn herself in for being present during the robbery. Wallage was directed to go to the Sheridan County Sheriff's Office and transport Two Two back to Chadron.

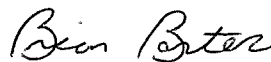
At the Chadron Police Department, Wallage and Nebraska State Patrol Investigator Bruhn met with Two Two in an interview room. Wallage read Two Two her Miranda

Warnings. Two Two waived her Miranda Rights and agreed to speak with Wallage and other law enforcement officers. Wallage conducted an extensive interview of Two Two by which she provided details of her participation into the armed robbery on Saturday December 5, 2020 at Cheema's Gas and Liquor in Chadron. Wallage states that Two Two also viewed surveillance video of the robbery and identified herself in the video. Two Two told Wallage that there were two other people with her, both male, one chubby and one skinny. Two Two told Wallage that the chubby male was the driver of the Ford F-150 and the skinny male was the one who went into Cheema's with her and held the gun during the robbery. Two Two identified the skinny male holding the gun as Archie BACKWARD. Two Two then changed her identification of BACKWARD as the skinny male and identified him as Vern Janis. Wallage states Two Two finally looked at a group of photographs in black and white and identified BACKWARD's photo as the male who was holding the gun inside of Cheema's during the robbery.

Lt. Richard Hickstein of the Chadron Police Department contacted Lt. Leonard Her Many Horses who works for the Oglala Sioux Tribal Police law enforcement. Lt. Her Many Horses had received photographs taken from the surveillance video of Cheema's of the suspects involved in the armed robbery. Lt. Her Many Horses advised Lt. Hickstein he also believed the subjects in the photographs from the robbery looked to be Two Two and BACKWARD. Wallage knows Lt. Hickstein received an email from Lt. Her Many Horses with an arrest sheet and pictures of BACKWARDS. The arrest sheet and pictures identify BACKWARD as Archie Andrew Backward Jr. with a date of birth of June 15, 1991.

Wallage states that Lt. Hickstein travelled to the Oglala Sioux Tribal Police law enforcement Justice Center and met with Inv. Dubray with Oglala Sioux Tribal Police law enforcement. Inv. Dubray and Lt. Hickstein travelled into the residential area of Pine Ridge South Dakota and contacted BACKWARD at his residence. Lt. Hickstein told Wallage when he and Inv. Dubray pulled up to the residence, BACKWARD was outside on the front porch, wearing the same clothing as the male holding the gun inside Cheema's during the robbery. Lt. Hickstein told Wallage BACKWARD was wearing the same Green Bay hooded sweatshirt and same black shorts with markings on the sides.

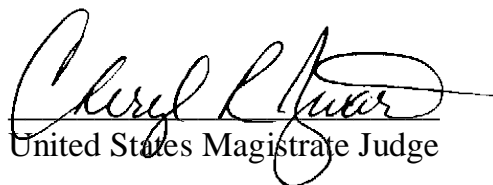
Wallage reviewed a criminal history for BACKWARD and observed the criminal history to show him to be convicted of the felony of Abusive Sexual Contact Without Permission on December 16, 2013 in the Federal United States District Court, District of South Dakota and therefore knows that BACKWARD is prohibited from possessing or owning a firearm. Your affiant believes a series of events transpired on and after December 5, 2020, indicating BACKWARD absconded from the state of Nebraska to the state of South Dakota to avoid prosecution.



SA Brian Bartek
Special Agent, Federal Bureau of Investigation

Sworn to before me by reliable electronic means:

Dated: March 10, 2021.



United States Magistrate Judge

IN THE COUNTY COURT OF DAWES COUNTY, NEBRASKA

| | | |
|-----------------------------|---|-----------------------------------|
| THE STATE OF NEBRASKA, |) | Case No. CR20- <u>571</u> |
| |) | |
| Plaintiff, |) | COMPLAINT |
| |) | |
| vs. |) | COUNT I: ROBBERY |
| |) | COUNT II: USE OF A DEADLY WEAPON |
| |) | TO COMMIT A FELONY |
| ARCHIE A. BACKWARD JR. |) | COUNT III: POSSESSION OF A DEADLY |
| DOB: 06/15/91 |) | WEAPON BY A PROHIBITED |
| 2 BLOCKS S. OF YELLOW BIRDS |) | PERSON |
| PINE RIDGE, SD 57770 |) | |
| DL# |) | |
| INTERPRETER IF NEEDED: |) | |
| Defendant. |) | |

| | |
|--------------------|----------------------------|
| Statute: | Penalty: |
| COUNT I: 28-324 | COUNT I: CLASS II FELONY |
| COUNT II: 28-1205 | COUNT II: CLASS IC FELONY |
| COUNT III: 28-1206 | COUNT III: CLASS ID FELONY |

COUNT I

In the name of the State of Nebraska, the undersigned prosecutor says that on or about the 5th day of December, 2020, in the County of Dawes, the Defendant, with intent to steal, did forcibly and by violence, or by putting in fear, take from the person of another any money or personal property of any value whatever, to wit: Defendant took money and alcohol from Cheemas of Chadron at gunpoint, Chadron, Dawes County, Nebraska.

COUNT II

The undersigned prosecutor further says that on or about the 5th day of December, 2020, in the County of Dawes, the Defendant, then and there being, did use a firearm, a knife, brass or iron knuckles, or any other deadly weapon to commit any felony which may be prosecuted in a court of this state or did unlawfully possess a firearm, a knife, brass or iron knuckles, or any other deadly weapon during the commission of any felony which may be prosecuted in a court of this state, to wit: Defendant used a handgun to commit a robbery of Cheemas of Chadron, Dawes County, Nebraska.

COUNT III

The undersigned prosecutor says that on or about the 5th day of December, 2020, in the County of Dawes, State of Nebraska, the Defendant was in possession of a firearm, knife, or brass or iron knuckles while having been previously convicted of a felony, Chadron, Dawes County, Nebraska.



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FILED

DEC 29 2020

 JONI R. ROBERTS, CLERK OF
 THE DAWES COUNTY COURT

Image ID D00059530C69

ARREST WARRANT

IN THE COUNTY COURT OF Dawes County, NEBRASKA

Doc. No. 59530

STATE OF NEBRASKA V. ARCHIE A BACKWARD JR

Case ID: CR 20 571

TO: THE Dawes County Sheriff OR ANY DULY AUTHORIZED LAW ENFORCEMENT OFFICER

A complaint has been filed in the above court alleging the above-named defendant committed the following offense(s):

| Statute | Offense Description | Type | Cls | Off. Date |
|------------------|--|------|-----|------------|
| 29-324 | Robbery | FEL | 3 | 12/05/2020 |
| 28-1205(1)(C) | Use firearm to commit a felony | FEL | 1C | 12/05/2020 |
| 28-1206(3)(B)-1D | Possess firearm by prohibited person-1st | FEL | 1D | 12/05/2020 |

The court finds, upon complaint supported by oath or affirmation, probable cause exists for the issuance of a warrant

THEREFORE YOU ARE ORDERED to immediately arrest said defendant wherever he/she may be found and to bring him/her promptly before this court or any judge or magistrate having jurisdiction of this matter, to answer such complaint and be further dealt with according to law.

This warrant shall be void and of no force and effect on or after February 15, 2025, and the law enforcement agency holding this warrant is ordered to return it to the issuing court as soon as possible thereafter. Such return shall contain the reason not served and the defendant's last known address.

Bail bond guaranteeing defendant's appearance before this court is hereby fixed in the sum of \$500,000.00 Ten Percent Bond, which may be collected by the arresting agency or a court of competent jurisdiction in the county of arrest. Bail bond shall contain a date certain for defendant's appearance in this court, which shall be the Wednesday after arrest at 02:00 PM at Dawes County Court Courthouse.

Date: December 10, 2020 Judge/Magistrate

R. L. Harper**FILED BY**

Clerk of the Dawes County Court
12/30/2020

Officer: Jarvis Wallage Chadron

Defendant Archie A Backward Jr AKA
2 Blocks S. of Yellow Birds AKA
Pine Ridge, SD 57770 AKA
AKA

Drivers Lic:

Vehicle Lic:

Plate Type

DOB: 06/15/1991 Ht: 6 00 Wt: 190 Sex: M Eyes: BRO Hair: BRO Race: I